

15-680 BETHUNE-HILL V. VA BOARD OF ELECTIONS

DECISION BELOW: 2015 WL 6440332

LOWER COURT CASE NUMBER: 3:14-cv-852

QUESTION PRESENTED:

The questions presented are:

1. Did the court below err in holding that race cannot predominate even where it is the most important consideration in drawing a given district unless the use of race results in "actual conflict" with traditional districting criteria?
2. Did the court below err by concluding that the admitted use of a one-size-fits-all 55% black voting age population floor to draw twelve separate House of Delegates districts does not amount to racial predominance and trigger strict scrutiny?
3. Did the court below err in disregarding the admitted use of race in drawing district lines in favor of examining circumstantial evidence regarding the contours of the districts?
4. Did the court below err in holding that racial goals must negate *all* other districting criteria in order for race to predominate?
5. Did the court below err in concluding that the General Assembly's predominant use of race in drawing House District 75 was narrowly tailored to serve a compelling government interest?

JURISDICTION NOTED 6/6/2016